

Attorney Docket No. 5727-65998
Application No. 09/555,718 (Filed January 12, 2001)
Response to Office Action dated May 22, 2006

Remarks

Claims 1-32 are pending in this application. Claim 1 is amended.

Applicants request reconsideration of the rejection of claims 1-32 under 35 U.S.C. § 102 as being anticipated by Brown U.S. Patent 5,307,263 (hereinafter Brown). Applicants believe that amended independent claim 1, and dependent claims 2-32, are not anticipated by Brown for the reasons given below.

Regarding claim 1, Brown does not disclose or suggest a “method of configuring a hand-held instrument having on-board circuitry for determining the concentration of a medically significant component of a body fluid or a control and producing an electrical signal representative thereof.” The Examiner takes the position that Brown discloses a method of configuring a hand-held microprocessor based unit 12 for sensing blood glucose level. In support, the Examiner calls Applicants’ attention to Brown’s Fig. 1 and col. 7 lines 28-47. However, Brown’s hand-held microprocessor based unit 12 does not have “on-board circuitry for determining the concentration of a medically significant component of a body fluid or a control and producing an electrical signal representative thereof,” as required by claim 1. Instead, Brown’s preferred embodiments use a compact video game system, such as Nintendo’s “GAME BOY,” for the hand-held microprocessor-based unit 12, not “a hand-held instrument having on-board circuitry for determining the concentration of a medically significant component of a body fluid . . . ,” as required by claim 1. See, for example, Brown’s abstract. Although Brown discloses at col. 7, lines 33-37, a blood glucose monitor 16 “of the type capable of sensing blood glucose level and producing an electrical signal representative thereof,” there is no teaching whatsoever in Brown of configuring the blood glucose monitor 16 “:according to said one of instructions and data transmitted from said first port and received at said second port,” as required by claim 1. Accordingly, Applicants respectfully submit that amended independent claim 1, and dependent claims 2-32, are not anticipated by Brown, and hence withdrawal of the 35 U.S.C. § 102 rejection thereof is respectfully requested.

In view of the foregoing amendment and supporting remarks, this application is now believed to be in condition for allowance. Such action is respectfully requested. If the Examiner believes that a telephone interview would expedite the allowance of this

application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

Applicants believe that no fees are required due to this amendment.

Applicants respectfully request that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other fees be charged, or any overpayment in fees be credited, to Applicants' undersigned counsel's deposit account 10-0435 with reference to file 5727-65998.

Respectfully submitted,



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